
3.9 CULTURAL RESOURCES

Introduction

This section assesses potential effects to cultural resources and human remains that could result from implementation of the Project. This section briefly describes the prehistoric and historic setting of the Project area and describes the results of the archaeological resources investigation conducted for the Project. Applicable local, State, and federal regulations are identified, followed by impact analysis and mitigation measures, where available, to reduce adverse impacts on cultural resources.

This section is based on a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System, a search of the Native American Heritage Commission (NAHC) sacred lands database, and geological information. No comments pertaining to cultural resources were received in response to the Notice of Preparation (NOP) (Appendix 1).

The change in the Conditional Development Permit (CDP) for the East Campus would not result in impacts to cultural resources because no construction or ground disturbances are associated. Therefore, Project impacts at the East Campus are not discussed further in this section.

Applicable Plans and Regulations

Federal

National Historic Preservation Act. Federal regulations for cultural resources are primarily governed by Section 106 of the National Historic Preservation Act (NHPA) of 1966, which applies to actions taken by federal agencies. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing in the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in 36 Code of Federal Regulations (CFR) Part 60. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and affords the federal Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties," are found in 36 CFR Part 800. The NRHP criteria (contained in 36 CFR 60.4) are used to evaluate resources when complying with NHPA Section 106. Those criteria state that eligible resources comprise districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- a. Are associated with events that have made a significant contribution to the broad patterns of our history;
- b. Are associated with the lives of persons significant in our past;

- c. Embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or
- d. Have yielded or may be likely to yield, information important to history or prehistory.

Archaeological site evaluation assesses the potential of each site to meet one or more of the criteria for NRHP eligibility based upon visual surface and subsurface evidence (if available) at each site location, information gathered during the literature and records searches, and the researcher’s knowledge of and familiarity with the historic or prehistoric context associated with each site.

Paleontological Resources Preservation Act. The federal Paleontological Resources Preservation Act of 2002 was enacted to codify the generally accepted practice of limiting the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers. These researchers must obtain a permit from the appropriate state or federal agency and agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers.

State

California Public Resources Code. Under California Environmental Quality Act (CEQA), public agencies must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to Public Resources Code Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.”

“Historical resource” is a term with a defined statutory meaning (see Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5 (a) and (b)). The term embraces any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be “historical resources” for the purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code Section 5024.1; California Code of Regulations, Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project’s impacts on historical resources (Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5 (a)(3)). In

general, an historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- a. Is historically or archeologically significant; or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political or cultural annals of California; and
- b. Meets any of the following criteria:
 1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 2. Is associated with the lives of persons important in our past;
 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 4. Has yielded, or may be likely to yield, information important in prehistory or history.

As noted above, CEQA also requires lead agencies to consider whether projects will impact “unique archaeological resources.” Although CEQA does not define “a unique paleontological resource or site,” Public Resources Code Section 21083.2 (g) states that “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person” (Public Resources Code Section 21083.2 (g)).

With only slight modification, this definition equally is applicable to recognizing “a unique paleontological resource or site.” Additional guidance is provided in CEQA section 15064.5 (a)(3)(D), which indicates “generally, a resource shall be considered historically significant if it has yielded, or may be likely to yield, information important in prehistory or history.”

Treatment options under Section 21083.2 of the Public Resources Code include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a “unique archaeological resource”).

Section 7050.5 (b) of the California Health and Safety code specifies protocol when human remains are discovered. The code states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

CEQA Guidelines Section 15064.5(e) requires that excavation activities be stopped whenever human remains are uncovered and that the County Coroner be called in to assess the remains. If the County Coroner determines that the remains are those of Native Americans, the NAHC must be contacted within 24 hours. At that time, the lead agency is required to consult with the appropriate Native Americans as identified by the NAHC and direct the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Local

City of Menlo Park General Plan. The following policy from the Land Use Element of the General Plan pertains to the Project.

Policy I-H-11: Buildings, objects, and sites of historic and/or cultural significance should be preserved.

The following goal and policy from the Open Space and Conservation Element of the City's General Plan pertains to the Project.

Goal 8: To preserve historic building, objects, and sites of historic and cultural significance.

Policy 6: Protect conservation and scenic areas, historic and cultural sites from deterioration or destruction by vandalism, private actions or public actions.

Existing Conditions

Prehistoric Setting

Prehistoric human occupation and use of the San Francisco Bay Area (Bay Area) occurred roughly 5,000 to 8,000 years ago and possibly longer. The Project area would have provided a favorable environment during the prehistoric period for resource exploitation. Native American archaeological

sites in this area of San Mateo County tend to be situated near the historic margin of the San Francisco Bay (Bay) tidal marshland and along creeks that drain upland terrain bordering the Bayshore plain.

Archaeological information suggests a slow and steady growth in the prehistoric population over time with more permanent settlements being established further inland near creeks that fed into the Bay. Resource exploitation generally appears to have evolved over time into a seasonal system including Bay and inland resources. This change from hunter-collectors to an increasingly sedentary lifestyle is due both to more efficient resource procurement, a focus on staple food exploitation, the increased ability to store food at village locations, and the development of increasingly complex social and political systems (e.g., long-distance trade networks).

Ethnographic Setting

The Project area lies within the traditional northern territory of the Native American people collectively known as the Ohlone. Traditionally, the Ohlone are separated into several ethnic groups, generally based on a common language and territory. It has been estimated that, at the time of Spanish settlement, the Ohlone lived in approximately 50 separate, politically autonomous nations or tribes throughout the entire Bay Area. Autonomous tribes consisted of one or more villages and several camps located within its territory.¹ Villages usually consisted of 15 or more households and usually included a ceremonial gathering center, while camps were located at resource acquisition sites and only occupied seasonally. At least seven tribes and 20 villages are documented as existing within the Project vicinity. Each tribe ranged from 50 to 500 people, with an average of 200 people per tribe,² making the Bay Area the most densely populated area north of Mexico prior to European settlement.³

The Ohlone people scheduled their lives around the seasonal availability of key resources, such as waterfowl, mussels, salmon, and acorns while large mammals, such as deer, elk, and antelope, were available year-round. The Ohlone also tended their environment by a controlled use of fire, which not only reduced the risk of large uncontrolled fires by minimizing the amount of chaparral species, but also promoted the growth of seed-bearing annual plants and provided extensive grazing areas for game animals.⁴

Upon the arrival of the Spanish and the subsequent establishment of the mission system, Native American populations in the region declined greatly. Many Ohlone became associated with Mission San Francisco de Asís (Mission Dolores), Mission Santa Clara de Asís, and/or Mission San Jose in Fremont. Recruitment, forced labor on mission lands, and introduced European diseases were damaging to native populations. However, instead of these factors causing the extinction of a people,

¹ Margolin, M. 1978. *The Ohlone Way: Indian Life in the San Francisco-Monterey Bay Area*. Berkeley, CA: Heyday Books, pp. 13, 52.

² Milliken, R.T. 1995. *Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810*. Menlo Park, CA: Ballena Press, pp. 231-261.

³ Margolin, M. 1978. *The Ohlone Way: Indian Life in the San Francisco-Monterey Bay Area*. Berkeley, CA: Heyday Books, p. 1.

⁴ Paddison, J., editor. 1999. *A World Transformed: firsthand accounts of California before the Gold Rush*. Heyday Books, Berkeley, California, page 11.

what occurred instead was the adaptation of native cultures to the rapidly changing times, which has allowed the Ohlone and their descendants to survive.

Historic Setting

Spanish rule came to the Menlo Park area in 1769 when the exploration party led by Don Gaspar de Portola camped near “El Palo Alto” after their discovery of the Bay. The colonization of the San Francisco Peninsula began after the expedition of Juan Bautista de Anza passed through Menlo Park on its way to establishing Mission Dolores and the Presidio of San Francisco in 1776.

The mission padres, explorers, military personnel, travelers, and settlers occupied areas of what is today Menlo Park, developing and populating the land. As a reward for their contribution to the settling movement, some pioneers were granted huge portions of land by the Spanish, and after 1822, by the Mexican government. The largest land grant on the San Francisco Peninsula was the Rancho de las Pulgas, an area of over 35,000 acres, awarded to presidio Comandante Don Jose Dario Arguello in 1795 by Governor Diego de Borica, and endorsed on behalf of his son Luis Arguello in 1820 by Pablo Sola, the last Spanish governor of California. This land extended north and south from San Mateo Creek to San Francisquito Creek, and east and west from the Bay to today's Cañada Road in Woodside. The present boundaries of Menlo Park would have been within this rancho, which became part of the new State of California. The Arguello family obtained legal title to their lands in 1853 and later the land was subdivided.

In August 1854, Menlo Park received its official name when two Irishmen, Dennis J. Oliver and D.C. McGlynn, whose wives were sisters, purchased 1,700 acres (some sources say it was 640 acres) bordering present day El Camino Real, and built two houses with a common entrance. Across the drive they erected a huge wooden gate with tall arches on which the name of their estate “Menlo Park” was printed in foot-high letters. When the railroad came through in 1863, the Menlo Park station was unnamed, so a railroad official looked over at the gates and decided that “Menlo Park” would be officially adopted. This station is now California State Landmark No. 955, the oldest California station in continuous operation.

San Mateo County became independent of San Francisco County in 1856. A county road had been laid from San Francisco to Belmont and soon was extended to San Jose. This opened the San Francisco Peninsula to the residents of San Francisco who wished to establish summer residences in the country. Among the first to buy large tracts of land and build mansions were the Atherton, Hopkins, Flood, Mills, Donohoe, and Felton families. These estates were largely self-sufficient, working farms and some had their own services, such as barber shops, general stores, blacksmith shops, livery stables, saloons, and hotels.

On March 23, 1874, Menlo Park became the second incorporated city in San Mateo County, although only for a short time. The purpose was to provide a quick way to raise money for road repairs. This incorporation, which included Fair Oaks (later Atherton) and Ravenswood (later East Palo Alto), lasted only until 1876.

Menlo Park remained relatively rural until World War I, when it was suddenly populated by 43,000 soldiers in training at Camp Fremont, on land which extended from Valparaiso Avenue to San Francisquito Creek, and El Camino Real to the Alameda de las Pulgas.

Menlo Park reincorporated in 1923 with much the same boundaries as the earlier town. Incorporation planning involving Menlo Park and Atherton culminated in a dramatic race to the County Courthouse to file differing plans. Atherton representatives arrived only minutes before those from Menlo Park, who had wished to include Atherton in their plans. Final incorporation of Menlo Park took place in November 1927.

Project Site

East Campus. The 56.9-acre East Campus, which was formerly occupied by Oracle (formerly Sun Microsystems), contains nine existing buildings, totaling more than one million sf. Prior to occupation, the East Campus historically consisted of tidal marshlands associated with the Bay. The first levees were reportedly constructed around the East Campus in 1946 in connection with the salt evaporation pond construction.⁵ The levees were raised in 1960 to an elevation of approximately five feet above mean sea level (msl). During 1968, the sloughs and ditches that traversed the East Campus reportedly were filled with recompacted Bay mud and varying amounts of compacted fill.⁶

The East Campus was formerly owned by Raychem and was referred to as Raychem's East Campus. Raychem, founded in 1957 and now owned by TE Connectivity, was a materials science company that developed and supplied high-performance products for aerospace, automotive, construction, electronics, electrical power, process, and telecommunication industries. Raychem planned to develop the East Campus for commercial use through the 1977 Raychem Master Site Plan and started to prepare the site by raising the levee elevations, importing fill material, and constructing several building pads. In 1982, a concrete utility tunnel and vehicular/pedestrian underpass was constructed under Bayfront Expressway between the proposed East Campus and West Campus.

Although Raychem prepared the East Campus for development with approval from the City, Raychem did not ultimately initiate building construction and the site remained vacant. In 1991, Sun Microsystems proposed an amendment to the approved Master Site Plan to increase the number of parking spaces and employees. The current on-site buildings were constructed beginning in 1993 and were operated by Sun Microsystems until 2010 for office and computer hardware testing purposes.⁷

West Campus. The 22-acre West Campus was formerly owned by General Motors and occupied by companies that have been since been purchased by TE Connectivity (formerly Raychem and Tyco Electronics). The West Campus currently consists of two vacant office buildings, a guard house,

⁵ Cornerstone Earth Group. *Phase I Environmental Site Assessment, 10 Network Circle, Menlo Park, California*. November 3, 2010.

⁶ Cornerstone Earth Group. *Phase I Environmental Site Assessment, 10 Network Circle, Menlo Park, California*. November 3, 2010.

⁷ Cornerstone Earth Group. *Phase I Environmental Site Assessment, 10 Network Circle, Menlo Park, California*, November 3, 2010.

surface parking lots, and 8.5-acres of formerly developed open space and minimal vegetation. Prior to occupation by Raychem, the site was primarily undeveloped marshland with one asphalt batch plant.

In 1965, Raychem purchased approximately 40 acres of land in the area and initiated construction of its manufacturing facility. By 1968, Raychem had increased ownership of land to approximately 82 acres, gradually expanding from Chilco Drive on the west to near Willow Road on the east. The former asphalt batch plant was dismantled between October 1969 and June 1971.⁸ The West Campus was part of an area known as Expanded Area 6 (also commonly referred to as the ChemPlant).⁹ Operations began in Expanded Area 6 in approximately 1968 and originally included a Hazardous Waste Transfer Depot, an Omega Wastewater Treatment System, several solid waste management units (SWMUs), a process wastewater sump, a Therminol Heater/Dowtherm Boiler, and five buildings (Buildings N, O, P, U, and Y).¹⁰

Buildings I and J, which are the two existing buildings at the West Campus, were constructed in the 1980s on the site of the former asphalt batch plant.¹¹ Buildings I and J reportedly were used as office buildings and not for R&D or manufacturing purposes; however, these buildings were vacated after Tyco Electronics acquired Raychem. At this time, Tyco Electronics leased Building I to Interwave Communications (2000 to 2003) and Building J to Applicast, Inc. (2000 to 2002). Buildings I and J are still on the site, while the other buildings have been demolished in order to prepare the site for potential sale and redevelopment. In 2007, Argonaut Holdings, a subsidiary of the GM Corporation, purchased the site with the intent of redeveloping the property with a new auto center.¹² This plan did not succeed and the site remains vacant and only partially developed.

Paleontological Resources

Geology. The West Campus is covered with a layer of artificial fill, ranging from 0 to 6 feet thick. Below the fill are younger sediments, possibly Bay Mud, to a depth of approximately 11 feet, which is underlain by Holocene-age alluvial deposits.¹³ At the East Campus, the fill ranges in thickness from 2 to 9 feet and is reportedly underlain by approximately 3 to 11 feet of Bay Mud.¹⁴

Artificial fill consists of mixed sand, silt, clay, gravel, and man-made debris, deposited mechanically or hydraulically. Bay Mud is an unconsolidated, water-saturated, layered deposit of soft, organic rich

⁸ Cornerstone Earth Group, *Phase I Environmental Site Assessment, 312-314 Constitution Drive, Menlo Park, California*, November 19, 2010.

⁹ Cornerstone Earth Group, *Phase I Environmental Site Assessment, 312-314 Constitution Drive, Menlo Park, California*, November 19, 2010.

¹⁰ Cornerstone Earth Group, *Phase I Environmental Site Assessment, 312-314 Constitution Drive, Menlo Park, California*, November 19, 2010.

¹¹ Cornerstone Earth Group, *Phase I Environmental Site Assessment, 312-314 Constitution Drive, Menlo Park, California*, November 19, 2010.

¹² Cornerstone Earth Group, *Phase I Environmental Site Assessment, 312-314 Constitution Drive, Menlo Park, California*, November 19, 2010.

¹³ Cornerstone Earth Group, *Geotechnical Feasibility Evaluation 22-Acre Property at Highway 84 and Willow Road Menlo Park, California*. November 18, 2010.

¹⁴ Cornerstone Earth Group, *Phase I Environmental Site Assessment, 10 Network Circle, Menlo Park, California*, November 3, 2010.

clay and silty clay, containing seams of sand, deposited on the bottom of the Bay. The alluvial deposits, generally less than 15 feet thick, consist of interbedded silty and organic clays, sand, and gravel derived from the Santa Cruz Mountains to the west. The deposits formed in poorly drained interfluvial basins, usually at the margins of tidal marshlands, where they interfingered with Bay Mud.¹⁵

Paleontologic Resources. The fossil-yielding potential of a particular area is highly dependent on the geologic age and origin of the underlying rocks.

No fossils have been reported from artificial fill in the Bay Area.¹⁶ Artificial fill could include sediment from older rocks obtained elsewhere. Therefore, it is possible there could be fossils, but because the fossils would have been transported from their original locations they would lack stratigraphic context and be of limited scientific value. Pollen, plants, and shells have been recovered from Bay Mud, but vertebrate fossils have not been reported.¹⁷ Remains of land mammals (extinct mammoth, bison, and horse) have been reported from localities in younger alluvium along the Bay margin in the Bay Area.¹⁸

Paleontological Sensitivity. The Conformable Impact Mitigation Guidelines Committee of the Society of Vertebrate Paleontology (SVP) has published Standard Guidelines in response to a recognized need to establish procedures for the investigation, collection, preservation, and cataloguing of fossil-bearing sites. The Standard Guidelines are widely accepted among paleontologists, followed by most investigators, and identify the two key phases of paleontological resource protection as (1) assessment and (2) implementation. Assessment involves identifying the *potential* for a project site or area to contain significant nonrenewable paleontological resources that could be damaged or destroyed by project excavation or construction. Implementation involves formulating and applying measures to reduce such adverse effects. The SVP defines the level of potential as one of three sensitivity categories for sedimentary rocks: High, Moderate, and Low, as listed below.

- *High Sensitivity:* Assigned to geologic formations known to contain paleontological localities with rare, well preserved, and/or critical fossil materials for stratigraphic or paleoenvironmental interpretation, and fossils providing important information about the paleobiology and evolutionary history (phylogeny) of animal and plant groups. Generally speaking, highly sensitive formations are known to produce vertebrate fossil remains or are considered to have the potential to produce such remains.

¹⁵ Cornerstone Earth Group. *Geotechnical Feasibility Evaluation 22-Acre Property at Highway 84 and Willow Road Menlo Park, California*. November 18, 2010.

¹⁶ San Francisco Redevelopment Agency, Candlestick Point-Hunters Point Shipyard Phase II Draft Environmental Impact Report, SCH No. 2007082168, November 2009, Section III.J (Cultural Resources and Paleontological Resources).

¹⁷ San Francisco Redevelopment Agency, Candlestick Point-Hunters Point Shipyard Phase II Draft Environmental Impact Report, SCH No. 2007082168, November 2009, Section III.J (Cultural Resources and Paleontological Resources).

¹⁸ San Francisco Redevelopment Agency, Candlestick Point-Hunters Point Shipyard Phase II Draft Environmental Impact Report, SCH No. 2007082168, November 2009, Section III.J (Cultural Resources and Paleontological Resources).

- *Moderate Sensitivity:* Assigned to geologic formations known to contain paleontological localities with moderately preserved, common elsewhere, or stratigraphically long-ranging fossil material. The moderate sensitivity category also is applied to geologic formations that are judged to have a strong, but unproven potential for producing important fossil remains (e.g., Pre-Holocene sedimentary rock units representing low to moderate energy, of marine to non-marine depositional settings).
- *Low Sensitivity:* Assigned to geologic formations that, based on their relative youthful age and/or high energy depositional history, are judged unlikely to produce important fossil remains. Typically, low sensitivity formations may produce invertebrate fossil remains in low abundance.

Based on these criteria, the artificial fill would have low sensitivity for paleontological resources. The Bay Mud would have moderate sensitivity. The Holocene alluvial deposits that underlie the Bay Mud are considered high sensitivity.

Impacts and Mitigation Measures

Standards of Significance

The Project would result in a significant impact if it would:

- Cause a substantial adverse change in the significance of a historical resource.
- Cause a substantial adverse change in the significance of an archaeological resource.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

Methodology

NWIC Records Search. Atkins archaeologist Lora Holland conducted a confidential records search for the Project area and surrounding one-quarter-mile radius at the Northwest Information Center (NWIC) on June 17, 2011 (NWIC Records Search Number 10-1253). The search included a review of the NRHP, the California Historic Resources Inventory, records of previously recorded cultural resources, records of previous field studies, and other historic maps and documents. The records search did not identify any previously recorded prehistoric or historic-era cultural resources or previous studies in the Project area. The records search identified one prehistoric site and one historic/prehistoric archeological site within the one-quarter mile radius.

Native American Consultation. Atkins requested a search of the Native American Heritage Commission (NAHC) sacred lands database on June 15, 2011 to determine if any Native American cultural resources are present in or near the vicinity of the Project area. The NAHC response letter dated July 19, 2011 stated that the search of the sacred lands database failed to indicate the presence of Native American resources in the immediate Project area. The NAHC letter included a list of Native

American organizations and individuals who may have knowledge of cultural resources in the Project area. Letters that included a brief description of the Project and a Project map were sent to each organization/individual identified on the NAHC list. As of the printing of this document, two responses from tribal representatives were received. One response requested monitoring of ground-disturbing activities (see Mitigation Measure CR-2.1, below). The second response asked for additional archaeological information but did not indicate the presence of Native American cultural resources in the area.

Environmental Analysis

CR-1 *Impacts to Historic Resources.* *The Project at the West Campus would not cause a substantial adverse change in the significance of a historical resource. (LTS)*

Buildings I and J, which are the two existing buildings at the West Campus, were constructed in the 1980s.¹⁹ Generally, resources must be at least 50 years old to be considered for listing on the California Register. A resource less than 50 years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance. In addition, buildings can be determined significant if they have made a substantial contribution to the broad patterns of California's history or if they are associated with the lives of important historical figures.²⁰ There is no scholarly or other information that establishes the historical significance of the structures or other built-features at the West Campus. As such, the impact on historic resources with implementation of the Project would be *less than significant*.

CR-2 *Impacts to Archaeological Resources.* *The Project at the West Campus has the potential to encounter and damage or destroy previously unknown subsurface archaeological resources during construction. This impact would be potentially significant. (PS)*

The Project site lies within an area once occupied by the Costanoan, or Ohlone, group of Native Americans. Native American archaeological sites in this area of San Mateo County tend to be situated near the historic margin of Bay tidal marshland and along creeks that drain upland terrain bordering the Bayshore plain. Although the cultural resources records search and Native American correspondence conducted for the Project revealed no recorded Native American or historic-period archaeological sites within the Project area and the area was subject to ground disturbance by previous development, given the environmental sensitivity of the Project area, there exists a moderate to high possibility of encountering Native American sites during construction at the West Campus. If encountered during construction, such resources could be damaged or destroyed, and this would be considered a *potentially significant impact*.

¹⁹ Cornerstone Earth Group, *Phase I Environmental Site Assessment, 312-314 Constitution Drive, Menlo Park, California*, November 19, 2010.

²⁰ State of California, Office of Historic Preservation, Bulletin 7 California Register Nomination Instructions, September 2001.

MITIGATION MEASURE. Mitigation Measure CR-2.1, below, would reduce potentially significant impacts on archaeological resources at the West Campus to a *less-than-significant* level. (LTS)

CR-2.1 Perform Construction Monitoring, Evaluate Uncovered Archaeological Features, and Mitigate Potential Disturbance for Identified Significant Resources at the West Campus. Prior to demolition, excavation, grading, or other construction-related activities on the West Campus, the applicant shall hire a qualified professional archaeologist (i.e., one who meets the Secretary of the Interior’s professional qualifications for archaeology or one under the supervision of such a professional) to monitor, to the extent determined necessary by the archaeologist, Project-related earth-disturbing activities (e.g. grading, excavation, trenching). In the event that any prehistoric or historic-period subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, animal bone, obsidian, and/or mortar are discovered during demolition/construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the discovery shall be halted immediately, and the Planning and Building Divisions shall be notified within 24 hours. City staff shall consult with the Project archeologist to assess the significance of the find. Impacts on any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the City and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment of the resources shall be conducted by a qualified archaeologist and Native American representatives who are approved by the local Native American community as scholars of the cultural traditions. In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. When historic archaeological sites or historic architectural features are involved, all identification and treatment is to be carried out by historical archaeologists or architectural historians who meet the Secretary of the Interior’s professional qualifications for archaeology and/or architectural history.

CR-3 Impacts to Paleontological Resources. The Project at the West Campus has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. This impact would be potentially significant. (PS)

Impacts on paleontological resources would depend on the depth, extent, and type of soil-disturbing activities that may occur as a result of construction at the West Campus, as well as the paleontological sensitivity of the materials underlying the site.

Site preparation at the West Campus would involve earthwork, such as shallow excavation, grading, trenching, and installation of foundation piles, all of which would encounter artificial

fill. Extensive, deep excavation is not planned at the West Campus. Activities that disturb artificial fill would not result in a significant impact on paleontological resources because, as discussed above, fill is of low paleontological sensitivity.

Fill would be imported to the site and compacted to increase the elevation of the West Campus to provide necessary flood protection (see Section 3.12, Hydrology and Water Quality). While placement of fill would increase the distance between the surface and the underlying Bay Mud, installation of foundation piles for Buildings 1, 2, and 3 could intercept Bay Mud and possibly the alluvial deposits underlying the Bay Mud. If deep utility trenches are necessary, they could also intercept Bay Mud.

According to the Geotechnical Feasibility Evaluation for the West Campus, deep foundations would likely be installed as concrete driven piles or drilled, cast-in-place piles. The length of the piles (i.e., their final depth) would be determined in conjunction with final building designs. Materials brought to the surface by the auger for drilled piles could contain fossils. However, the fossils, if present in Bay Mud or alluvial deposits, would likely be destroyed by the auger drill. If utility trench excavations are deep enough, they could expose undisturbed Bay Mud, which may contain fossils. The trenching could damage or destroy fossils. Because the Bay Mud and alluvial deposits have moderate to high paleontological sensitivity, this is considered a potentially significant impact.

MITIGATION MEASURE. Mitigation Measure CR-3.1, below, would reduce potentially significant impacts on paleontological resources to a *less-than-significant* level for the West Campus. (LTS)

CR-3.1 Conduct Protocol and Procedures for Encountering Paleontological Resources at the West Campus. Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP), who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and will follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who will evaluate its significance.

If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards. Construction work in these areas shall be halted or diverted to allow recovery of fossil remains in a timely manner. Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall then be deposited in a scientific institution with paleontological collections. A final Paleontological Mitigation Plan

Report shall be prepared that outlines the results of the mitigation program. The City shall be responsible for ensuring that monitor's recommendations regarding treatment and reporting are implemented.

CR-4 *Impacts to Human Remains. The Project at the West Campus has the potential to encounter or discover human remains during excavation or construction in the Project area. This impact would be potentially significant. (PS)*

Although the cultural resources records search and Native American correspondence conducted for the Project revealed no recorded Native American or historic-period archaeological sites within the Project area, given the location of the Project site in an archaeologically sensitive area, there exists a moderate to high possibility of identifying Native American sites during construction at the West Campus. If encountered during construction, such resources could be damaged or destroyed, and this would be considered a *potentially significant impact*.

MITIGATION MEASURE. Mitigation Measure CR-4.1, below, would reduce potentially significant impacts associated with the disturbance of human remains to a *less-than-significant* level. (LTS)

CR-4.1 *Comply with State Regulations Regarding the Discovery of Human Remains at the West Campus.* If human remains are discovered during any construction activities, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. Additionally, the Building Division shall be notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The Project Sponsor shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The Planning Division shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines Section 15064.5(e) and Public Resources Code Section 5097.98. The applicant shall implement approved mitigation, to be verified by the Planning Division, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.

Cumulative Analysis

The geographic context for the analysis of cumulative impacts associated with cultural resources considers a broad regional system of which the resources are a part of. The cumulative context for this cultural resources analysis is the Bay Area, where common patterns of prehistoric and historic development have occurred. The analysis accounts for anticipated cumulative growth within the nine counties comprising the Bay Area. The cumulative projects considered in this Draft EIR consist of two categories, Tier 1 and Tier 2, as shown in Table 3.1-1 and Table 3.1-2 of Section 3.1. In addition build-out of the General Plans of the nine Bay Area counties and associated cities is considered in the cumulative context.

C-CR-1 Cumulative Impacts on Historical Resources. Construction activities on the West Campus and other cumulative development would not result in a significant cumulative impact to historical resources. (LTS)

Tier 1 and Tier 2

Urban development that has occurred over the past several decades in the Bay Area has resulted in the demolition and alteration of historical resources, and it is reasonable to assume that present and future development activities will continue to result in impacts on historical resources. Because all historical resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. Federal, State, and local laws protect historical resources in most instances. Even so, it is not always feasible to protect historical resources, particularly when preservation in place would prevent implementation of projects. For this reason, the cumulative effects of development in the region on historical resources are considered significant.

Buildings I and J, which are the two existing buildings at the West Campus, were constructed in the 1980s. While these buildings would be demolished with implementation of the Project, there is no scholarly or other information that establishes the historical significance of the structures or other built features at the West Campus. Therefore, the Project would not contribute to any potential cumulative impact on historical resources and the cumulative impact would be *less than significant*.

C-CR-2 Cumulative Impacts on Archaeological, Paleontological Resources, and Human Remains. Construction activities on the West Campus and other cumulative development could result in impacts to archaeological resources. This cumulative impact is potentially significant. (PS)

Tier 1 and Tier 2

Given the location of the Project site in an archaeologically sensitive area, there exists a moderate- to high-possibility of identifying Native American sites during construction. In particular, the West Campus soil types have moderate to high paleontological sensitivity.

The Project, in combination with other foreseeable development in the identified geographic context, has the potential to encounter and damage or destroy previously unknown subsurface archaeological, paleontological resources, or human remains during construction. All significant archaeological, paleontological resources, and human remains are unique and non-renewable resources. For this reason, the cumulative effects of all development on these resources are considered significant.

As analyzed above, the Project would potentially contribute to the cumulative loss of archeological, paleontological resources, and human remains. Therefore, the Project's contribution could be considerable, resulting in a potentially significant cumulative impact. Mitigation Measures CR-2.1, CR-3.1, and CR-4.1, included above, prescribe discovery procedures for any previously unknown archaeological, paleontological resources, or human remains encountered during Project construction. The discovery procedures are consistent with professional standards and, as they pertain to discovered human remains, are compliant with State law. Compliance with these mitigation measures would reduce the Project's contribution to the cumulative impact to less than cumulatively considerable, and reduce the potentially significant cumulative impacts associated with the loss of archeological, paleontological resources, and the disturbance of human remains to a *less-than-significant* level.